REMARKS

This communication is considered fully responsive to the Final Office action mailed August 2, 2005. Claims 1-46 were examined. Claims 1, 2, 7-10, 14, 18-21, 24-26, 29, 33-37, 41, 45, and 46 stand rejected. Claims 3-6, 11-13, 15-17, 22, 23, 27, 28, 30-32, 38-40 and 42-44 stand objected to as being dependent on a rejected base claim, but would be allowable if amended into independent form. No claims are cancelled. No new claims are added. Claims 2, 11, 12, 24, 26, 35, 37, 41, 43, and 46 were amended to correct typographical errors in the claims introduced by errors in optical character recognition (OCR) used to prepare the previous response filed on May 9, 2005, and were not amended for any reason related to patentability. Applicant's attorney apologizes for the previous errors. Claim 20 was amended to correct a typographical error in that the term "storage are network" was corrected to read "storage area network." Again, the amendment was not made for any reason related to patentability. No other claims are amended from the previous response filed on May 9, 2005. Reconsideration and reexamination is requested.

Attorneys for the Applicant, Richard J. Holzer, Jr. and Thomas J. Osborne, Jr., participated in a telephone interview with Examiner Farooq on September 26, 2005 in which the rejected independent claims were discussed in light of the United States patent no. 6,735,766 to Chamberlain et al. (the "Chamberlain reference") and United States patent no. 6,697,875 to Wilson (the "Wilson reference"). In this interview, Examiner Farooq and the attorneys for the Applicant agreed, as will be discussed more fully below, that neither the Chamberlain reference nor the Wilson reference disclose, teach, or suggest each limitation of independent claims 1, 8, 10, 14, 19, 20, 24, 26, 29, 33, 34, 35, 37, 41, and 46. Further, the Examiner and Applicant's attorneys agreed that upon overcoming the rejection, the finality of the rejection will be withdrawn.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1, 2, 7-10, 14, 18-21, 24-26, 29, 33-37, 41, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over the Chamberlain reference in view of the Wilson reference. In view of the agreement reached in the interview of September 26, 2005, the Applicant respectfully traverses the rejections for at least the following reasons.

Generally, the Chamberlain reference discloses a method and computer-readable medium for installing an upgrade to an <u>application program</u>. Although the Chamberlain reference refers to a "product code," the Chamberlain clearly uses the term "product" in connection with a software application, not in connection with hardware or a device. See, e.g., column 5, lines 52-57, which states the following: "[a] 'product' represents a single, entire application program, such as the 'MICROSOFT WORD' application program marketed by Microsoft Corporation of Redmond, Washington. Each product has a globally unique identifier known as a Product Code that allows each product to be distinguished." Thus, the terms "product" and "product code," as used in the Chamberlain reference, refer to software applications and software application identifiers, respectively, not to device information or device identifiers. Accordingly, the Applicant points out that the Chamberlain reference does not disclose, teach, or suggest <u>device information comprising information identifying a set of SAN device identifiers and a set of code modules associated with the set of SAN device identifiers</u>. Nor does the Chamberlain reference disclose, teach, or suggest or triggering an event based on changes in device information or a signal therefor.

In contrast, the Wilson reference discloses methods for building and using a storage area network (SAN) device database. While the Wilson reference discloses SAN devices and device identifiers (IDs), the reference does not disclose or suggest <u>device information comprising information identifying a set of SAN device identifiers and a set of code modules associated with the set of SAN device identifiers</u>.

Claim 1 recites in part "accessing device information, the device information comprising information identifying a set of SAN device identifiers and a set of code modules associated with the set of SAN device identifiers". Neither the Chamberlain reference nor the Wilson reference disclose, teach, or suggest such <u>device information</u>. As discussed above, the product code disclosed in the Chamberlain reference refers to a software application identifier, not to a device identifier. Nor does the Chamberlain reference disclose, teach, or suggest <u>device information</u>, particularly information identifying a set of SAN device identifiers <u>and</u> a set of code modules associated with the set of SAN device identifiers. Likewise, while the Wilson reference discloses SAN

devices and device identifiers (IDs), the reference does not disclose, teach, or suggest code modules associated with a set of SAN device identifiers.

Furthermore, claim 1 recites in part "providing a <u>signal</u> to the executing program <u>indicating that the device information has been modified</u> to produce modified device information". Neither the Chamberlain reference nor the Wilson reference disclose, teach, or suggest such <u>a signal</u> indicating <u>modification of the device information.</u> Likewise, the Wilson reference fails to disclose, teach, or suggest any signal or any detection of modification to device information.

In addition, claim 1 recites deletion, accessing, and loading operations performed in response to receipt of the (modified device information) signal. That neither Chamberlain nor Wilson disclose or suggest such a signal should overcome the rejection alone, but the Applicant also asserts that neither Chamberlain nor Wilson disclose or suggest performance of these three operations in response to a signal or even in response to a modification of device information.

Further, in making an obviousness rejection based on the combination of two references, the references not only must teach or suggest each and every limitation of the claimed invention, the Examiner also has the burden to establish a suggestion or motivation, either in the references themselves or in the knowledge generally available to one or ordinary skill in the art, to combine the teachings of the references and that there must be a reasonable expectation of success. See, e.g., MPEP 2143. As discussed above, the Chamberlain and Wilson references together fail to teach or suggest every limitation of Claim 1. Further, the Examiner's only asserted motivation to combine the references is the cursory statement that, "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Chamberlain et al. and Wilson because that would provide fault handling condition within a device for the network." See, e.g., paragraph 2 of the Office action dated August 2, 2005.

While the Wilson reference provides for identifying faulty devices within a network, the Chamberlain reference is directed exclusively to upgrading software applications, not to upgrading devices. Neither of the references provides any suggestion or motivation to use the software application upgrade method disclosed in the Chamberlain reference in the SAN network disclosed in the Wilson reference, nor has the

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Examiner identified any knowledge in the prior art outside of these references that would provide a suggestion or motivation to combine the references. Since the method of the Chamberlain reference exclusively teaches upgrading software applications, such a combination, contrary to the Examiner's assertion, would not improve fault handling conditions within a device of the SAN. Thus, not only has the Examiner failed to provide an acceptable suggestion or motivation to combine the Chamberlain and Wilson references, but any such combination of references would not have a reasonable expectation of success since the combination would still fall short of the Applicant's claimed invention. Accordingly, the Examiner has failed to establish a prima facie case of obviousness for any of the rejected claims, including claim 1.

For the foregoing reasons, the Chamberlain and Wilson references fail to anticipate or make obvious the invention of claim 1. Allowance of claim 1 is therefore requested.

Claims 2 and 7 depend from claim 1, which is believed allowable. Therefore claims 2 and 7 are believed allowable for at least the same reasons as claim 1. Allowance of claims 2 and 7 is therefore requested.

Claim 8 includes recitations of "accessing device information, the device information including information related to a set of SAN device identifiers and information identifying a set of code modules associated with the set of SAN device identifiers," "providing a signal to the executing program indicating that the device information has been modified," and "deleting the first code module associated with the first SAN device identifier from the address space of the executing program." Accordingly, claim 8 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 8 is therefore requested.

Claim 9 depends from claim 8, which is believed allowable. Therefore claim 9 is believed allowable for at least the same reasons as claim 8. Allowance of claim 9 is therefore requested.

Claim 10 includes recitations of "accessing information related to a first SAN device identifier, the information related to the first SAN identifier including information identifying a first code module associated with the first SAN device identifier," "receiving a signal indicating that the information related to the first SAN device

identifier has been modified," and "deleting the first code module associated with the first SAN device identifier from the address space of the executing program." Accordingly, claim 10 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 10 is therefore requested.

Claim 14 includes recitations of "accessing devices information comprising a set of SAN device identifiers including a first SAN device identifier, the devices information further comprising information identifying code modules associated with SAN device identifiers in the set of SAN device identifiers," "receiving a signal indicating that the devices information has been modified," and "loading the second code module into the address space of the executing program." Accordingly, claim 14 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 14 is therefore requested.

Claim 18 depends from claim 14, which is believed allowable. Therefore claim 18 is believed allowable for at least the same reasons as claim 14. Allowance of claim 18 is therefore requested.

Claim 19 includes recitations of "accessing information related to a SAN device identifier, the information related to the SAN identifier including information identifying a code module associated with the SAN device identifier," "receiving a signal indicating that the code module has been modified," "deleting the previously loaded code module from the address space of the executing program," and "loading the modified code module into the address space of the executing program." Accordingly, claim 19 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 19 is therefore requested.

Claim 20 includes recitations of "code for accessing device information, the device information comprising information identifying a set of SAN device identifiers and a set of code modules associated with the set of SAN device identifiers," "code for receiving a signal while the application program is executing, the signal indicating that the device information has been modified to produce modified device information," and "code for deleting the set of code modules referenced by the device information before modification from the address space of the executing application program in response to

the signal." Accordingly, claim 20 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 20 is therefore requested.

Claim 21 depends from claim 20, which is believed allowable. Therefore claim 21 is believed allowable for at least the same reasons as claim 20. Allowance of claim 21 is therefore requested.

Claim 24 includes recitations of "code for accessing device information, the device information including information related to a set of SAN device identifiers and information identifying a set of code modules associated with the set of SAN device identifiers," "code for receiving a signal from the executing application program, the signal indicating that the device information has been modified," and "code for deleting the first code module associated with the first SAN device identifier from the address space of the executing program in response to the signal." Accordingly, claim 24 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 24 is therefore requested.

Claim 25 depends from claim 24, which is believed allowable. Therefore claim 25 is believed allowable for at least the same reasons as claim 24. Allowance of claim 25 is therefore requested.

Claim 26 includes recitations of "code for accessing information related to a first SAN device identifier, the information related to the first SAN identifier including information identifying a first code module associated with the first SAN device identifier," "code for receiving a signal indicating that the information related to the first SAN device identifier has been modified, the modified information identifying a second code module associated with the first SAN device identifier instead of the first code module," "code for deleting the first code module associated with the first SAN device identifier from the address space of the executing application program in response to the signal," and "code for loading the second code module into the address space of the executing application program." Accordingly, claim 26 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 26 is therefore requested.

Claim 29 includes recitations of "code for accessing devices information comprising a set of SAN device identifiers including a first SAN device identifier, the devices information further comprising information identifying code modules associated

with each SAN device identifier in the set of SAN device identifiers including information identifying a first code module associated with the first SAN device identifier," "code for receiving a signal indicating that the devices information has been modified, the modified devices information including a second SAN device identifier and a second code module associated with the second SAN device identifier, the second SAN device identifier not included in the set of SAN device identifiers included in the devices information before modification," and "code for loading the second code module into the address space of the executing application program in response to the signal." Accordingly, claim 29 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 29 is therefore requested.

Claim 33 includes recitations of "code for accessing information related to a SAN device identifier, the information related to the SAN identifier including information identifying a code module associated with the SAN device identifier," "code for receiving a signal indicating that the code module has been modified," and "code for deleting the previously loaded code module from the address space of the executing application program in response to the signal." Accordingly, claim 33 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 33 is therefore requested.

Claim 34 includes recitations of "the processor operative with the program to access device information, the device information comprising information identifying a set of SAN device identifiers and a set of code modules associated with the set of SAN device identifiers," "receive, while the program is executed by the processor, a signal indicating that the device information has been modified to produce modified device information," "delete the set of code modules referenced by the device information before modification from the address space of the program executed by the processor," "access the modified device information," and "load a set of code modules referenced by the modified device information into the address space of the program executed by the processor." Accordingly, claim 34 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 34 is therefore requested.

Claim 35 includes recitations of "access device information, the device information including information related to a set of SAN device identifiers and

information identifying a set of code modules associated with the set of SAN device identifiers," "receive, while the program is executed by the processor, a signal indicating that the device information has been modified," and "in response to the signal, delete the first code module associated with space of the program executed the first SAN device identifier from the processor." Accordingly, claim 35 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 35 is therefore requested.

Claim 36 depends from claim 35, which is believed allowable. Therefore claim 36 is believed allowable for at least the same reasons as claim 35. Allowance of claim 36 is therefore requested.

Claim 37 includes recitations of "access information related to a first SAN device identifier, the information related to the first SAN identifier including information identifying a first code module associated with the first SAN device identifier," "receive, while the program is executed by the processor, a signal indicating that the information related to the first SAN device identifier has been modified," "delete the first code module associated with the first SAN device identifier from the address space of the executing program," and "load the second code module into the address space of the program executed by the processor." Accordingly, claim 37 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 37 is therefore requested.

Claim 41 includes recitations of "access devices information comprising a set of SAN device identifiers including a first SAN device identifier, the devices information further comprising information identifying code modules associated with SAN device identifiers in the set of SAN device identifiers," "receive, while the program is executed by the processor, a signal indicating that the devices information has been modified," and "in response to the signal, load the second code module into the address space of the program executed by the processor." Accordingly, claim 41 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 41 is therefore requested.

Claim 45 depends from claim 41, which is believed allowable. Therefore claim 45 is believed allowable for at least the same reasons as claim 41. Allowance of claim 45 is therefore requested.

Claim 46 includes recitations of "access information related to a SAN device identifier, the information relating to the SAN identifier including information identifying a code module associated with the SAN identifier," "receive, while the program is executed by the processor, a signal indicating that the code module has been modified," "load the code module into an address space of the program executed by the processor," and "load the code module into an address space of the program." Accordingly, claim 46 is believed to be allowable for at least the corresponding reasons as claim 1. Allowance of claim 46 is therefore requested.
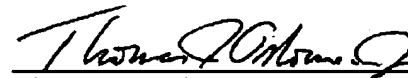
Allowable Subject Matter

The Applicant acknowledges that the Office has found claims 3-6, 11-13, 15-17, 22, 23, 27, 28, 30-32, 38-40, and 42-44 to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The Applicant respectfully requests that the claims be allowed with amendment based on the arguments made herein.

Conclusion

Based on the telephone Examiner interview and the remarks herein, the Applicant respectfully requests at least a removal of the finality of the Office action and preferably prompt issuance of a notice of allowance for claims 1-46 in this matter.

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Respectfully submitted,

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